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REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on 06/27/2005. Claims 1-34 are standing for examination. Claims 1-34 are rejected under the judicially created doctrine of double patenting over claims 1-8 of U.S. patent No. 6,389,007. Claims 1-34 are also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of co-pending application No. 09/766,271. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being obvious over Voit et al (US 6,137,869), hereinafter Voit, in view of Reynolds (US 5,452,350), hereinafter Reynolds.

The Applicant has carefully noted and reviewed the rejections, reference and the Examiner's comments. Applicant herein presents arguments to clearly show the references as provided by the Examiner clearly fail to teach the subject matter of applicant's claims as alleged by the Examiner. The arguments also show that some of the rejections are simply not valid.

Applicant points out that this is the fourth response submitted by the applicant to the Examiner's rejections and comments. Applicant, again, asserts that, in view of the art presented against the present application, the Examiner simply does not understand all of the limitations recited in applicant's claims. Clearly, the Examiner does not give patentable weight to key limitations contained in the base claims of applicant's invention. When examining the history of this prosecution, it is clear the Examiner does not adequately understand or respond to the arguments presented by applicant.

The Examiner asserts a double patenting rejection under the judicially created doctrine of double patenting over claims 1-8 of U.S. patent No. under the judicially created doctrine of double patenting over claims 1-8 of U.S. patent No. 6,389,007. The Examiner brought this rejection previously in the Office Action mailed 07/22/2004. In the Response that followed, applicant diligently argued the rejection, clearly showing that there is clear subject matter and claim limitations in the present application which differentiate over the teachings and claimed limitations of patent 6,389,007.

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In the very next Office Action mailed on 02/09/2005, the Examiner brought other rejections with new art and did not mention the double patenting rejection or the response given by applicant to that rejection. Now, in the present Office Action, the Examiner re-asserts the double-patenting rejection. Applicant will, again, present the response to the double patenting rejection and respectfully request the Examiner read it and respond to it.

Regarding the first double patenting rejection over patent 6,389,007, the Examiner states that the subject matter claimed in the instant application is fully disclosed in the patent, 6,389,007 B1, hereinafter '007, since the patent and the application are claiming common subject matter.

Applicant respectfully traverses the Examiners above statement. Applicant's current claims under prosecution recite a first and second server node, a network capable device and a software application wherein the user operating the appliance accesses the second server node, states the intent of the call and the second server node based on the stated intent supplies agent status information to the user.

The two sets of claims may have 1 or 2 similar elements but that is the only similarity that exists between the two. The Examiner attempts to relate the intent of the call in applicant's present invention with the routing rules of the '007 patent. This is clearly an error on the Examiner's part. One invention provides agent status to a user in response to the user stating the intent of the call and a desire to contact the facility. The '007 patent routes calls within a facility by an automated integrated router in response to receiving agent status from the facility. Applicant points out that the user, the node architecture and the functionality of applicant's invention is not part of the '007 invention. Therefore, the double patenting rejection fails and the rejection should be withdrawn.

Applicant utilizes the same argument against the provisional double patenting rejection wherein the Examiner relies upon co-pending application No. 09/766,271, hereinafter '271. Here the Examiner grossly misinterprets the presentation of claim 1 of the '271 application. After each limitation presented the Examiner gives a personal example of what the limitation means in parentheses. Specifically, the last paragraph of claim 1 in the '271 application recites that; "characterized in that a client using the user interface is enabled to access and alter communication center data, and also to initiate live

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interaction with the communication center, with the Examiner adding the following (i.e. based on the stated intent). There is absolutely no disclosure in the '271 application that an intent of a call is used in the process, whatsoever. Further, applicant adds that said application is in the process of going abandon.

Applicant believes that the above arguments clearly show that the double patenting rejections provided by the Examiner are erroneous. Applicant respectfully requests the Examiner withdraw the double patenting rejections as having no basis.

Regarding the 103 rejection against claims 1 and 19, the Examiner states that Voit discloses a network-based system for enabling users of the system to obtain current agent-status Information related to agents of an information- source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising:

- a first server node connected to the information-source facility and to the network [Voit, a local database server, col. 8 lines 1-20; database and its facilities, col. 10 lines 17-30];

- a second server node connected to the first server node and to the network, the first server node accessible to the second server node [Voit, second database servers, col. 8 lines 1-20];

- a network-capable appliance (i.e.: network devices) connected to the network, the second server node accessible to the network-capable appliance [Voit, INT, col. 7 lines 35-55; Fig 1A; col. 8 lines 21-55] and

- a software application distributed on at least the first and second server-nodes, the software application enabling distribution of the agent status information [Voit, software application, col. 17 lines 35-51 et seq.; status information, col. 8 line 56-9 line 8].

Applicant respectfully disagrees with the Examiner's above interpretation of Voit. Voit teaches a subscriber based Internet/COST telephony network. Voit provides a network of databases to track calls and billing of subscribers accessing the system to make calls between each other. Voit does not teach agents part of an information facility as claimed. Voit fails to be analogous to the call center as taught and claimed in applicant's invention. In applicant's opinion, the Examiner has failed to even come close

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to the architecture teaching of applicant's claimed invention with the art of Voit. Voit's software application is to track and bill subscribers. There is absolutely no teaching or suggestion of providing agent status information as Voit fails to teach agents.

The Examiner does admit that Voit fails to teach that the user operating the network-capable appliance accesses the second server node, states the intent of the call and requests the agent-status information (ie. agent planning), the agent-status information accessed from the first server node by the second server node, based on the stated intent and is delivered to the requesting user. The Examiner relies upon the reference of Reynolds to teach said limitation.

The Examiner states that Reynolds discloses; " a network based processing system including an activity monitor wherein it provides the access to a subscriber network and database, collect and store agents status information and agent planning [Reynolds, col. 7 lines 8-24]. Applicant does not see where the Examiner has shown in either reference, the ability for a caller to access a system to obtain current agent-status information related to agents of an information-source facility connected to the network before initiating contact with the facility. The Examiner also fails to give proper reasoning as to why this limitation would be obvious. The Examiner states that Reynolds teaches a caller stating the intent of a call. This is simply not so. The Examiner's attempt at combining Voit and Reynolds to obviate applicant's base claims 1 and 19 is clearly erroneous. The Examiner continually adds subject matter to applicant's claim language and to the teachings of the art to justify the rejection, which is simply not appropriate when examining applicant's claims.

Reynolds is a call routing system wherein processors communicate with each other, give agent availability information and route calls accordingly. There is nor teaching or suggestion of a caller accessing the availability of agents before making a call.

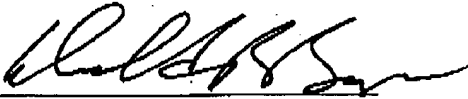
Applicant believes that claims 1 and 19, as argued, are clearly patentable over the art of Voit and Reynolds, either singly or in combination. The Examiner has clearly not made a proper prima facie case of rejection. Claims 2-18 and 20-34 are patentable on their own merits, or at least as depended from a patentable claim. As all of the claims left standing and as amended are clearly shown to be patentable over the art presented by the

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Examiner, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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